

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2009 TERM
CAUSE NO. 77C01-0907-MI-00233

ANTHONY WARREN,
Petitioner

VS.

JAMES BASINGER,
Respondent

FILED
IN CIRCUIT COURT

JUL - 9 2009

Stephanie Davis
Clerk, Sullivan Circuit Court

ORDER

Pursuant to I.C. 34-58-1-1, this Court has examined Petitioner's VERIFIED PETITION FOR STATE WRIT OF HABEAS CORPUS, and has determined, pursuant to I.C. 34-58-1-2, that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted based on the following:

1. The Petitioner's pleading has failed to state a claim upon which relief may be granted by the Trial Court. The Petitioner has filed a VERIFIED PETITION FOR STATE WRIT OF HABEAS CORPUS which is a remedy to be utilized when a prisoner is entitled to immediate release from custody. Petitioner does not allege he is entitled to immediate release. The Petitioner is attacking the validity of his conviction which must be done through a Post Conviction Relief proceeding.

Based on the foregoing, the Court dismisses this cause with prejudice.

SO RECOMMENDED this 9th day of July, 2009.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate
Sullivan Circuit Court

SO ORDERED this 9th day of July, 2009.

P. J. Pierson
P. J. PIERSON, Judge
Sullivan Circuit Court

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